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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,472	10/16/2003	Louis Edward Behrens	ROC920030241US1	8869

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IBM CORPORATION
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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,472

Applicant(s)

BEHRENS ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6-16, 18-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiilunen (6,780,216 B2), in view of Guttman (6,171,357 B1).

Kiilunen discloses a protective enclosure (42) for an electronic device (22) comprising a flexible filter assembly (42) constructed for at least partially enclosing the electronic device (22) for controlling air flow and trapping particulates (col. 2, lines 60-64; col. 3, lines 51-60; col. 5, lines 4-15). Claims 1-3, 6-16, 18-22 and 24 differ from the disclosure of Kiilunen in that the filter provides EMC shielding. Guttman discloses a combined air filter and EMC shield (12) wherein the filter provides EMC shielding effective for suppressing external detection of electromagnetic emissions from an electronic device (Abstract, col. 1, lines 9-33, col. 2, lines 20-39). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a combined filter with EMC shielding as taught by Guttman in the apparatus of Kiilunen so that no electromagnetic radiation passes inward or outward through the walls of the electronic device.

Claims 4, 5, 17, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiilunen (6,780,216 B2), in view of Guttman (6,171,357 B1), as applied supra, and further in view of Jeffries et al (6,705,787 B2).

Claims 4, 5, 17, 23, 25 and 27 call for a flexible portion attached to the filter over the keyboard. Jeffries et al disclose a flexible portion (10) for placement over a

Art Unit: 1724

keyboard (16) which is constructed of resiliently flexible transparent membrane. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a flexible membrane over the keyboard as taught by Jeffries et al in the filter apparatus of Kiilunen and Guttmann since the transparent portion over the keyboard would allow the user to manipulate the keyboard without affecting the function of the filter bag over the electronic device.

Response to Amendment

Applicant's arguments filed on April 14, 2005 have been fully considered but they are not persuasive.

Applicant argues that the cited secondary reference "Eisenhauer does not teach integrating the EMC filtering in the filter bag". The Examiner now drops the Eisenhauer reference and newly introduces Guttmann as the secondary reference to show a **combined** (see Abstract) air filter and EMC shield (12) wherein the filter provides EMC shielding effective for suppressing external detection of electromagnetic emissions from an electronic device (see Abstract, col. 1, lines 9-33, col. 2, lines 20-39), as claimed. The phrase "a combined air filter and EMC shield" clearly indicates that "the EMC filtering is integrated in the filter bag". It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a combined filter with EMC shielding as taught by Guttmann in the apparatus of Kiilunen so that no electromagnetic radiation passes inward or outward through the walls of the electronic device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit : 1724
July 5, 2005

DUANE SMITH
PRIMARY EXAMINER

2-7
7-6-05